

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

Stephen M. Gowan,)	
)	
Plaintiff,)	Civ. 14-5025-JLV
)	
v.)	
)	
Mid Century Insurance Company,)	
a division of Farmers Insurance)	
Group,)	
)	
Defendant.)	
_____)	

Plaintiff's Unopposed Motion re: Scheduling Order

On August 24, 2015, this Court entered a Second Amended Rule 16 Scheduling, which provides in part:

1. [¶3] All discovery, including expert discovery, shall be commenced in time to be completed by November 30, 2015.
2. [¶10] All motions, other than motions in limine, together with supporting briefs, shall be filed and served on or before December 28, 2015; that opposing parties shall file and serve answering materials and briefs on or before January 20, 2015; and reply briefs shall be filed and served on or before February 5, 2015.

The parties agree that good cause exists to modify these parts of the Scheduling Order. The reason is that it has been slower and more difficult to set up the depositions of defendants' witnesses than the parties had anticipated. The depositions of defendants' non-expert witnesses are scheduled for December 3 in Denver and December 8 in Los Angeles. After those depositions are concluded, plaintiff needs to obtain transcripts and submit them to his expert. Plaintiff expects to be able to comply with paragraph 6 of the August 24, 2015, order, requiring reports from his retained experts 30 days after receiving transcripts of the depositions of defendant's claims employee. If plaintiff has the transcripts from defendant's non-expert witnesses by late December, plaintiff's expert expects to be able to complete his report by January 29, 2016.

This still leaves the problem that defendant will not be able to depose plaintiff's expert until after receiving his report, and plaintiff will not be able to depose defendant's expert until after receiving his or her report. In addition, all motions other than motions in limine cannot be filed by December 28, 2015, because the parties will not have the depositions of each other's experts by then.

The parties want to keep the scheduled pretrial and trial dates—July 6, 2016, and August 22, 2016.

Accordingly, the parties request the Court modify the Second Amended Rule 16 Scheduling Order as follows:

1. Extend the deadline for plaintiff's expert report to January 29, 2016;
2. Extend the deadline for defendant's expert report to February 29, 2016;
3. Extend the deadline to complete all discovery to March 31, 2016;
4. Extend the deadline for all motions, other than motions in limine, together with supporting briefs, to be filed and served to April 20, 2016, with opposing parties to file and serve answering materials and briefs on or before May 11, 2016; and reply briefs to be filed and served on or before May 26, 2016.

Dated: November 16, 2015

Respectfully submitted,

/s/ James D. Leach

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Certificate of Service

I certify that on November 16, 2015, I filed this document electronically, thereby causing automatic electronic service to be made on defendant's attorneys Michael Tobin, Tom Welk, and Meghann Joyce.

/s/ James D. Leach

James D. Leach